

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

JANE DOE,

Plaintiff,

v.

GEORGIA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Civ. Case No. 1:23-cv-05578-MLB

**MOTION TO EXTEND SERVICE DEADLINE AND MODIFY  
DECEMBER 6, 2023 ORDER**

Comes Now Plaintiff Jane Doe, through undersigned counsel, and requests the Court to (1) extend the current deadline to serve Defendants' by noon today by an additional 24 hours; and (2) modify the December 6, 2023 Order to permit local counsel to appear virtually, or to excuse local counsel from attendance, on December 11, 2023, and to allow counsel whose *pro hac vice* motions for admission will be submitted today to represent Plaintiff at the hearing. As grounds, Plaintiff states as follows:

1. On December 6, 2023, Plaintiff filed her Complaint, R. Doc. 1, and her Motion for Preliminary Injunction, R. Doc. 2. Plaintiff requested that this Court expedite consideration of her Motion for Preliminary Injunction. R. Doc. 7. The Court

granted Plaintiff's request for expedited consideration and set the hearing for December 11, 2023, at 4:30 p.m. R. Doc. 11. The hearing “is not for arguments on the merits of Plaintiff’s motion or for the introduction of evidence. Rather, the hearing is intended for the parties to devise a briefing schedule that balances the complexity of Plaintiff’s motion with the very serious risk of harm to Plaintiff that she identifies in her complaint and motion.” *Id.* at 3.

2. On December 11, 2023, local counsel David Utter and Christopher Murell are currently scheduled to appear in different courts in another state. In addition, Plaintiff is represented by two firms—Baker Botts and Rights Behind Bars—whose lawyers will today be able to file motions to appear *pro hac vice*. Finally, due to a number of reasons, including the inability of process servers being able to guarantee service by the current deadline,<sup>1</sup> she has been unable to perfect service on Defendants.<sup>2</sup>

3. On the morning of December 7, 2023, Plaintiff’s counsel communicated with Georgia Department of Corrections General Counsel Jennifer Ammons, Esq., who

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<sup>1</sup> Plaintiff’s process server, Special Delivery, has confirmed that they cannot meet the current service deadline. Plaintiff’s paralegal previously reached out to Special Delivery to confirm availability for service on December 4, and they represented that they could serve Plaintiffs on December 6 at that time. Plaintiff’s counsel and paralegal also made efforts to find a different process server who could meet the current deadline to no avail.

<sup>2</sup> On December 6, shortly after filing, Plaintiff’s counsel spoke with the Court’s Courtroom Deputy Clerk, Jessica Kelley. Ms. Kelley notified Plaintiff’s counsel via email that the Court was “preparing to issue an order setting a hearing for December 11th at 4:30 p.m. and requiring counsel for the plaintiff to serve all defendants prior to the hearing.” The deadline is today at noon.

communicated that she would not be available until later this afternoon and referred Plaintiff's counsel to Mr. Roger Chalmers. Mr. Chalmers stated he will "waive service for individual defendants once we confirm representation," and that he will contact Plaintiff's counsel early this afternoon "to provide a list of those we have confirmed but it will not be before noon." Due to time constraints and uncertainty about who is representing all the Defendants in this matter, Plaintiff's counsel has been unable to ascertain Defendants' position on this motion.

4. Plaintiff agrees with this Court that the issues presented in her case are complex and appreciates this Court's acknowledgement of the very serious risk of harm to her. Undersigned counsel will endeavor to communicate with the Clerk of Court and counsel for Defendants to ensure service is perfected as soon as possible. In addition, undersigned counsel will file motions for Plaintiff's counsel not barred in the Northern District of Georgia to appear *pro hac vice* pursuant to LR 83.1.

4. Plaintiff requests a brief extension of time to serve Defendants to 12:00 p.m. on December 8, 2023. In addition, Plaintiff requests modification of the December 6, 2023 Order to permit local counsel David Utter or Christopher Murell to appear virtually, or to excuse local counsel from attendance, on December 11, 2023, and to allow counsel whose *pro hac vice* motions for admission will be submitted today to represent Plaintiff at the hearing.

Respectfully submitted this 7th day of December, 2023.

/s/ David Utter

David J. Utter

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**\* Motions for admission *pro hac vice* to be filed**

## **CERTIFICATE OF COMPLIANCE**

This document complies with Local Rule 5.1 because it uses 14-point Times New Roman.

/s/ David Utter

/s/ Christopher J. Murell